

# Notice of Allowability

Application No.

09/888,339

Examiner

HOSUK SONG

Applicant(s)

CONWELL ET AL.

Art Unit

2135

## -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to Appeal Brief filed on 7/14/06.
2. ☒ The allowed claim(s) is/are 1-23.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☐ All b) ☐ Some\* c) ☐ None of the:
    1. ☐ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.


Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
  5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
    - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
      - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
    - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

### Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☒ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date \_\_\_\_\_
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date \_\_\_\_\_
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_

  
HOSUK SONG  
PRIMARY EXAMINER

### **DETAILED ACTION**

The following is an examiner's statement of reasons for allowance: Claims 1-23 are allowed.

Claim 1: Prior art of record does not teach aggregating first fingerprint data and second fingerprint data, wherein fingerprint data comprises at least a reduced-bit representation of content, and wherein the first fingerprint data originated at a first source and the second fingerprint data originated at second source, and wherein the first source and the second source are remotely located; identifying information associated with the first fingerprint data and the second fingerprint data; and determining a subset of the associated information.

Claim 7: Prior art of record does not teach aggregating a first set of audio fingerprints provided by a first device with a second set of audio fingerprints provided by a remotely located second device; determining a plurality of songs relating to the aggregated fingerprints and selecting a song from the plurality of songs based on a number of times a selected song matches the aggregated fingerprints.

Claim 9: Prior art of record does not teach receiving a signal from a first broadcast source at a reference receiver; generating first fingerprint data from the received signal; applying the first fingerprint data to a database to select associated information; receiving second fingerprint data and comparing the second fingerprint data with the associated information.

Claim 11: Prior art of record does not teach comparing the second fingerprint data with the associated information, wherein comparing comprises selecting a subset from the associated information based on a vote tally, and wherein the vote tally includes probabilities of a match with the second fingerprint data, and wherein the selected subset has a highest probability of a match.

Claim 12: Prior art of record does not teach receiving a signal from a first broadcast source at a reference receiver; generating first fingerprint data from the received signal; applying the first fingerprint data to a database to select associated information; receiving second fingerprint data and comparing the

Art Unit: 2135

second fingerprint data with the associated information, wherein a user device generates the second fingerprint data.

Claim 13: Prior art of record does not teach receiving a signal from a first broadcast source at a reference receiver; generating first fingerprint data from the received signal; applying the first fingerprint data to a database to select associated information; receiving second fingerprint data, wherein a cell phone generates the second fingerprint data and comparing the second fingerprint data with the associated information.

Claim 14: Prior art of record does not teach receiving a signal from a first broadcast source at a reference receiver; generating first fingerprint data from the received signal; applying the first fingerprint data to a database to select associated information; receiving second fingerprint data, wherein a user device generates the second fingerprint data and comparing the second fingerprint data with the associated information; and determining a geographical location of the user device.

Claim 16: Prior art of record does not teach receiving a signal from a first broadcast source at a reference receiver; generating first fingerprint data from the received signal; applying the first fingerprint data to a database to select associated information; receiving second fingerprint data; comparing the second fingerprint data with the associated information; receiving a signal from a second broadcast source at the reference receiver; generating third fingerprint data from the received signal of the second broadcast source and applying the third fingerprint data to the database to select associated information.

Claim 20: Prior art of record does not teach receiving a signal from a first broadcast source at a reference receiver, the signal comprising an embedded digital watermark; decoding the digital watermark to obtain a plural-bit identifier; interrogating a database with the identifier to identify a set of fingerprints associated with the received signal; receiving second fingerprint data; and comparing the second fingerprint data with the set of fingerprints.

Art Unit: 2135

Claim 22: Prior art of record does not teach cumulating a first set of representations of audio or video with a second set of representations of audio or video, wherein the representations comprise reduced-bit representations of audio or video, and wherein the first set of representations are provided from a first device and the second set of representations are provided from a second device; determining a plurality of audio and video content relating to the cumulated sets and selecting a set of audio or video content from the plurality of audio or video content based on a number of times a selected set of audio and video content corresponds with the cumulated sets.

Claim 23: Prior art of record does not teach receiving content, wherein the content comprises an embedded digital watermark; decoding the digital watermark to obtain a plural-bit identifier; deriving a reduced-bit representation of the content; accessing a database with at least the reduced-bit representation of the content to help or identify or authenticate the content.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

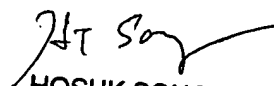
***USPTO Contact Information***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to HOSUK SONG whose telephone number is 5712723857. The examiner can normally be reached on mon-fri.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, KIM VU can be reached on 5712723859. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2135

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

  
HOSUK SONG  
PRIMARY EXAMINER